

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
This document relates to: <i>Ashton et al. v. al Qaeda Islamic Army, et al.</i> , 02-cv-6977 (GBD)(SN) and (member case <i>Burlingame v. Bin Laden, et al.</i> , 02-cv-7230 (GBD)(SN))	02-cv-6977 (GBD)(SN) and 02-cv-7230 (GBD)(SN) ECF Case

FRANK H. GRANITO, III, Esq., hereby states under penalty of perjury that:

1. I am a member of Speiser Krause, PC and an attorney representing the *Burlingame* subset of *Ashton* Plaintiffs identified on Exhibit B to the proposed order (the “*Burlingame XIII*” Plaintiffs), who are the subject of this motion for partial final judgment in the above-captioned litigation. I submit this Declaration in support of this motion for final judgment on behalf of only the individual Plaintiffs identified in Exhibit B, and request permission to allow any remaining *Burlingame* plaintiffs to move for the similar relief in separate stages.

2. The sources of information and the basis for belief in the statements contained herein are my representation of the *Burlingame XIII* Plaintiffs in connection with the September 11<sup>th</sup> terror attacks, my firm’s files, conversations with family members of these Plaintiffs, as well as other court records relating to the multi-district litigation to which the *Burlingame XIII* Plaintiffs are parties. Any matters about which I lack personal knowledge are asserted herein upon information and belief.

3. Claims brought on behalf of the decedents listed in Exhibit B were part of the original *Burlingame* complaint, styled *Burlingame, et al. v. Bin Laden, et al.*, filed on September 10, 2002, and bearing civil action number 02-cv-7230, subsequently ordered consolidated into the master complaint bearing the caption *Ashton et al. v. al Qaeda Islamic Army, et al.*, 02-cv-6977

(GBD)(SN). Since these plaintiffs remain segregated in the consolidated *Ashton* filings under their original civil action number and thus can easily be identified, plaintiffs appearing under the *Burlingame* civil action number 02-cv-7230 within the consolidated *Ashton* complaint are being collectively referred to as “*Burlingame* plaintiffs.”

4. All of the decedents listed in Exhibit B died in the September 11<sup>th</sup> terrorist attacks and are survived by the family members whose relationships to the decedents are described in Exhibit B. The claims listed in Exhibit B reflect individuals whose relationships to their decedents fall into one of the four categories presumptively entitled to solatium damages under this Court’s prior decisions, to wit, spouse, children, parents and siblings of those killed in the attacks.

5. We have been retained individually by the plaintiffs listed in Exhibit B to pursue recovery for their solatium losses arising out of the deaths of their loved ones on September 11, 2001. We have verified via written documentation and/or interviews that all of the plaintiffs listed in Exhibit B survived their decedents and have not recovered for their solatium damages previously. We have further confirmed that they do not have any prior judgment or pending motion against the Islamic Republic of Iran before this Court for compensation arising out of the September 11<sup>th</sup> attacks.

6. The form of this motion and the relief requested herein are intended to comply with the quality control measures discussed in the January 13, 2017 letter from the Plaintiff’s Executive Committee (ECF No. 3433) and the Court’s order dated January 24, 2017 (ECF No. 3435), together with the default judgment motion cover sheet attached as Exhibit A to the proposed order.

7. In prior orders, the Court has established the loss amounts for solatium damages based on presumptive familial relationships to the decedent. *See, e.g.*, 03-md-1570 (02-cv-6977) (S.D.N.Y.)(GDB)(FM), Doc. No. 2623, Entered 10/03/12, pp. 4-5; 03-md-1570

(S.D.N.Y.)(GBD)(FM), Doc. No. 3300, Entered 06/17/2016, p. 1. The Court has awarded these amounts for solatium damages to nine prior groups of *Burlingame* plaintiffs. See 03-md-1570 (02-cv-7230) (GBD)(SN), Doc. No. 3987 (“*Burlingame I*”), Entered 04/30/2018; Doc. No. 4011 (“*Burlingame II*”), Entered 05/30/2018; Doc. No. 4087 (“*Burlingame III*”), Entered 08/07/2018; Doc. No. 4156 (“*Burlingame IV*”), Entered 09/12/2018; Doc. No. 4707 (“*Burlingame V*”), Entered 07/30/19; Doc. No. 5058 (“*Burlingame VI*”), Entered 09/03/2019; Doc. No. 5453 (“*Burlingame VIII*”), Entered 01/07/2020; Doc. No. 5974 (“*Burlingame IX*”), Entered 02/18/2020; and Doc. No. 8231 (“*Burlingame XII*”), Entered 07/19/2022. The solatium amounts set forth in Exhibit B are the figures determined appropriate in the Court’s prior orders.

8. Previously, in connection with a motion for final judgment on behalf of other *Ashton* claimants, this Court asked that to expedite issuance of final judgments, they defer decision as to the appropriate quantum of punitive damages and present a proposed order with a rate of prejudgment interest of 4.96 per annum, compounded annually. See 03-md-1570 (S.D.N.Y.) (GBD)(SN), Doc. No. 3362, Entered 10/14/2016. The form of the proposed order submitted herewith therefore conforms to the Court’s prior orders.

9. Accordingly, I respectfully request that this Court grant the proposed order submitted herewith in favor of the *Burlingame XIII* Plaintiffs.

Dated: May 14, 2024  
Rye Brook, New York

/s/ Frank H. Granito  
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